

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

XAVAR TYLER,)
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Plaintiff,)
)
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v.) 1:21-cv-00589
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)
STEFFANY GEMIMI, et al.,)
)
)
Defendants.)

ORDER

On November 29, 2021, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties in accordance with 28 U.S.C. § 636(b). (Docs. 4, 5.) No objections were filed within the time limits prescribed by Section 636, however, Plaintiff filed several letters, some of which were docketed as notices, (Docs. 6, 8, and 9), and two are docketed as motions, (Docs. 7, 10). To the extent those letters are intended as objections to the Recommendation, the Court has reviewed the objections de novo and finds that they do not change the substance of the Recommendation. This court therefore adopts the Recommendation.

The letters make a variety of requests of the court. For example, one letter, docketed as a "Notice of Change of Address," provides change of address information, but also includes Plaintiff's request for civil docket sheets and a

request to be placed on the docket for appointment of a civil litigation attorney. (See Doc. 6.) The first document filed as a "Motion to Appoint Counsel" is limited to a request for counsel, (Doc. 7), however, the second "Motion to Appoint Counsel" includes an address, another request for all of Plaintiff's legal documents, and a request for notice of a court date, (Doc. 10).

With respect to Plaintiff's request appointment of counsel, there is no basis for appointment of counsel in this case at this time in light of the Recommendation of dismissal. Plaintiff's motions to appoint counsel will be denied. Relatedly, Plaintiff has failed to demonstrate good cause or a particularized need for copies of the requested docket sheets or legal documents sufficient to require the expenditure of public funds to furnish copies of the requested documents. To avoid confusion, this court reiterates the admonition of the Magistrate Judge that if Plaintiff believes he can meet the requirements for filing a new complaint on the proper forms, he should request those forms from the Clerk. (See Doc. 4 at 2.)

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 4), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's motions for appointment of counsel, (Docs. 7, 10), are **DENIED**.

IT IS ORDERED that Plaintiff's requests for copies and documents, and Plaintiff's requests for a calendar date or hearing are **DENIED**.

IT IS FURTHER ORDERED that this action be, and is hereby, **DISMISSED** sua sponte without prejudice to Plaintiff filing a new complaint, on the proper forms, which corrects the defects set out in the Order and Recommendation and is accompanied by the applicable filing fee or is accompanied by an application to proceed in forma pauperis. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 23rd day of November, 2022.

William L. Osteen, Jr.
United States District Judge